

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Delaware

United States of America

v.

Thomas Clark

Case No. 10-127M

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 06/30/2010 in the county of Kent in the _____ District of
Delaware, the defendant violated 18 U. S. C. § 922(g)(1), an offense described as follows:

Possession of a firearm by a felon.

REDACTED

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Thomas E Hoffman

Complainant's signature

Special Agent Thomas E. Hoffman

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/10/2010

Mary Pat Thyng

Judge's signature

City and state: Wilmington, Delaware

The Honorable Mary Pat Thyng

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS CLARK,

Defendant.

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Criminal Action No. 10- 127M

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Thomas E. Hoffman, being duly sworn, depose and say:

1. Your affiant has been a law enforcement officer for over 4 years with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). As part of my duties, responsibilities and training, and in the course of my investigative experience, I have become familiar with the statutes, rules, regulations, policies and procedures relating to the ATF, including but not limited to federal statutes relating to the possession of firearms by persons prohibited, and other laws enforced by the ATF. I am a graduate of the Federal Law Enforcement Training Center, Glynco, GA, Criminal Investigation Training Program and the ATF Special Agent Basic Training Program. I have been involved in numerous investigations involving firearms violations. I have participated in the seizures of numerous firearms.

2. Unless otherwise stated, the information in this affidavit is based upon your affiant's personal knowledge. Not all facts related to the investigation are provided in this affidavit, but only those necessary to establish probable cause.

3. This affidavit is in support of a criminal complaint against defendant Thomas Clark (DOB: /1987), who was arrested on June 30, 2010 in Dover, Delaware, by members of the Dover Police Department.

4. Your affiant reviewed the computer criminal history information for the defendant from the Delaware Justice Information System ("DELJIS") and learned that the defendant has prior convictions for Possession With Intent To Deliver a Narcotic Schedule II Controlled Substance and Carrying a Concealed Deadly Weapon, on or about July 2, 2008 in the Superior Court of the State of Delaware, each of which your affiant knows to be punishable by a term of imprisonment of more than one year. The defendant also has a

conviction for Conspiracy Second Degree, on or about August 2, 2005 in the Superior Court of the State of Delaware, which your affiant knows to be punishable by a term of imprisonment of more than one year.

5. Your affiant spoke with a Dover Police officer who participated in the defendant's June 30, 2010 arrest and has reviewed police reports regarding that arrest. On June 30, 2010, Dover Police received a 911 call from an identified witness who stated that she had just seen a black male fire a gun and said that the man was located near S. Kirkwood Street and Division Street in Dover. The witness provided a description of the shooter as a black male wearing a sweat jacket and said that the word "Crew" was on the jacket.

6. Dover Police Cpl. Robert Barrett responded to the area described by the witness in his police vehicle. He observed defendant Thomas Clark who matched the provided description and who Cpl. Barrett could see was wearing a sweat jacket with the word "Crew" on it. The officer exited his vehicle and told the defendant to get on the ground. After the defendant eventually complied, the officer handcuffed and searched the defendant. During the search, a firearm fell out of the defendant's pants and onto the ground. The firearm was a Berretta .380 caliber pistol, serial number 4020AA.

7. After being advised of his *Miranda* rights and agreeing to speak with officers, Clark made a post-arrest statement to the officers admitting that he possessed the firearm on June 30, 2010 and that he had shot the firearm earlier that evening.

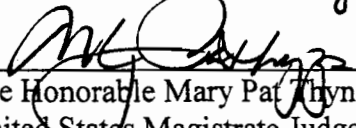
8. From my training and experience and based upon information provided by the Dover Police officer, as well as a consultation with an ATF Interstate Nexus Expert, your affiant knows that the above-mentioned firearm is a "firearm," as defined in Title 18, United States Code, Section 921(a)(3). Your affiant also knows that the firearm was manufactured in a state (and/or country) other than Delaware, such that its possession in Delaware would have necessarily required that the firearm had crossed state lines prior to its possession in Delaware and such that the possession of that firearm in Delaware affected interstate and/or foreign commerce.

9. Wherefore, based upon your affiant's training and experience, your affiant believes that there is probable cause to believe that the defendant violated Title 18, United States Code, Section 922(g)(1) by possessing in and affecting interstate commerce a firearm, after having previously been convicted of a felony. Your affiant respectfully requests that the Court issue a Criminal Complaint charging that offense.



Thomas E. Hoffman
Special Agent
United States Bureau of Alcohol, Tobacco,
Firearms, and Explosives

Subscribed and sworn
before me this 10 day of August 2010


The Honorable Mary Pat Thyng
United States Magistrate Judge